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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

| | | |
|--|---|---------------------------------|
| REBECCA LEMPERLE, individually, |) | |
| |) | CASE NO. 2:18-cv-00202-JCM-CWH |
| Plaintiff, |) | |
| vs. |) | |
| |) | <u>AMENDED COMPLAINT</u> |
| VINCENT TJOTA, individually; DOES I-X, |) | |
| and ROE CORPORATIONS I-X, inclusive, |) | |
| |) | |
| Defendants. |) | |

Plaintiff REBECCA LEMPERLE, by and through her attorney of record,
PAUL D. POWELL, ESQ., of THE POWELL LAW FIRM, complains against
Defendants as follows:

GENERAL ALLEGATIONS

1. Plaintiff REBECCA LEMPERLE (hereinafter "Plaintiff") is, and at all times mentioned herein, was, a resident of the County of Clark, State of Nevada.
2. Defendan VINCENT TJOTA is, and at all times mentioned herein, was, a resident of Singapore.

- 1 3. The true names and capacities of the Defendants designated herein
2 as Doe or Roe Corporations are presently unknown to Plaintiff at this
3 time, who therefore sues said Defendants by such fictitious names.
4 When the true names and capacities of these Defendants are
5 ascertained, Plaintiff will amend this Complaint accordingly.
6
- 7 4. At all times pertinent, Defendants were agents, servants, employees
8 or joint venturers of every other Defendant herein, and at all times
9 mentioned herein were acting within the scope and course of said
10 agency, employment, or joint venture, with knowledge and
11 permission and consent of all other named Defendants.
12
- 13 5. On April 30, 2016, in Clark County, Nevada, Defendant VINCENT
14 TJOTA negligently caused a crash with Plaintiff.
15
- 16 6. As a direct and proximate result of Defendants' negligence, Plaintiff
17 sustained injuries to Plaintiff's shoulders, back, bodily limbs, organs
18 and systems, all or some of which conditions may be permanent and
19 disabling, and all to Plaintiff's damages in a sum in excess of
20 \$15,000.00.
21
- 22 7. As a direct and proximate result of Defendants' negligence, Plaintiff
23 received medical and other treatment for the aforementioned injuries,
24 and said services, care and treatment are continuing and shall
25 continue in the future, all to the damages of Plaintiff.
26
- 27 8. As a direct and proximate result of Defendants' negligence, Plaintiff
28 has been required to, and have limited occupation and recreational

activities, which have caused and shall continue to cause Plaintiff loss of earning capacity, lost wages, physical impairment, mental anguish, and loss of enjoyment of life, in a presently unascertainable amount.

9. As a direct and proximate result of Defendants' negligence, Plaintiff's vehicle was damaged and Plaintiff lost the use of that vehicle.

10. As a direct and proximate result of the Defendants' negligence, Plaintiff has been required to engage the services of an attorney, incurring attorney's fees and costs to bring this action.

FIRST CAUSE OF ACTION

11. Plaintiff incorporates paragraphs 1 through 10 of the Complaint as though said paragraphs were fully set forth herein.

12. Defendants owed Plaintiff a duty of care to operate the Vehicle in a reasonable and safe manner. Defendants breached that duty of care by striking Plaintiff's vehicle on the roadway. As a direct and proximate result of Defendants' negligence, Plaintiff has been damaged in an amount in excess of \$15,000.00.

SECOND CAUSE OF ACTION

13. Plaintiff incorporates paragraphs 1 through 12 of the Complaint as though said paragraphs were fully set forth herein.

14. The acts of Defendants as described herein violated the traffic laws of the State of Nevada and Clark County, constituting negligence per se,

1 and Plaintiff has been damaged as a direct and proximate result
2 thereof in an amount in excess of \$15,000.00.

3 WHEREFORE, Plaintiff expressly reserves the right to amend this
4 Complaint prior to or at the time of trial of this action to insert those items of
5 damage not yet fully ascertainable, pray judgment against all Defendants, and
6 each of them, as follows:
7

- 8 1. For general damages sustained by Plaintiff in an amount in excess of
9 \$15,000.00;
- 10 2. For special damages sustained by Plaintiff in an amount in excess of
11 \$15,000.00;
- 12 3. For property damages sustained by Plaintiff;
- 13 4. For reasonable attorney's fees and costs;
- 14 5. For interest at the statutory rate; and
- 15 6. For such other further relief as the Court deems just and proper.

16 DATED this 14th day of May, 2019.

17 THE POWELL LAW FIRM

18
19 /s/ Paul D. Powell

20
21
22 _____
23 Paul D. Powell, Esq.
24 Nevada Bar No. 7488
25 Michael A. Kristof, Esq.
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6785 W. Russell Road, Suite 210
Las Vegas, NV 89118

CERTIFICATE OF MAILING

I hereby certify that on the 14th day of May, 2019, a true and correct copy of the foregoing **PLAINTIFF'S AMENDED COMPLAINT** was served via electronic service by the U.S. District Court Cm/ECF system to the parteis with an email address on record, and by U.S.. Mail as follows:

Josh Cole Aicklen, Esq.
Stephen L. Titzer, Esq.
LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
Attorneys for Defendant Avis

/s/ Lauren Pellino

An Employee of THE POWELL LAW FIRM